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7 **Attorney for Plaintiff**
8 **PAUL L. FIELDS, Jr.**

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

CASE NO: C 04 0430 SC

12 Plaintiff,

13 v.

STIPULATION AND ~~PROPOSED~~
ORDER FOR VACATING HEARING
DATE ON MOTION TO DISMISS

14 \$25,000 IN UNITED STATES
15 CURRENCY,

16 Defendant.

17 _____ /
18 PAUL L. FIELDS, Jr.

19 Claimant.

20 On 10 May 2006, the Court set this matter for a status conference on 25 August 2006 at
21 10:00 a.m. On 26 June 2006 the Court also continued the date for hearing on Claimant's motion
22 to dismiss from 7 July 2006 to 25 August 2006, to coincide with the status conference date.

23 The parties are still in the process of completing additional discovery by way of the
24 government's answers to Claimant's requests for production of documents and the government's
25 answers to Claimant's interrogatories. Until such discovery is completed and the requested
26 information provided, Claimant is unable to prepare and file his motion to dismiss.

27 Therefore, the parties respectfully request that the Court vacate the 25 August 2006 date
28 and set both the status conference and Claimant's motion to dismiss for 1 December 2006 at
10:00. The government has contacted the Court and Teresa DiMartini has approved this date.


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STIPULATION AND [PROPOSED] ORDER FOR VACATING HEARING DATE ON MOTION TO DISMISS
CASE NO: C 04 0430 SC

WHEREFORE, it is hereby stipulated by and between the parties that the 25 August 2006 hearing date be vacated and continued until 1 December 2006.

Dated: 10 August 2006

Respectfully submitted,



DAVID M. MICHAEL
Attorney for Claimant
PAUL L. FIELDS, Jr.

Dated: 10 August 2006



STEPHANIE HINDS
Assistant United States Attorney

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the parties, and for good cause having been shown,

IT IS HEREBY ORDERED that the hearing date on motion to dismiss and status conference is vacated. The motion to dismiss and status conference will be held on 1 December 2006 at 10:00 a.m. in Courtroom 1 of the above entitled court.

DATED: 8/11/06



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

• **STIPULATION AND [PROPOSED] ORDER FOR VACATING HEARING DATE ON MOTION TO DISMISS**

to be served this date by electronic mail delivery upon the persons below at the place and address which is the last known address:

David M. Michael, Esq.
The DeMartini Historical Landmark Building
294 Page Street
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 10th day of August, 2006, at San Francisco, California.



ALICIA CHIN
Paralegal/AFU